

## Message Text

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ORIGIN ARA-14

INFO OCT-01 ISO-00 DHA-02 SS-15 SP-02 INR-07 L-03  
/044 R

DRAFTED BY ARA/PAN:DWAGNER/JLP  
APPROVED BY ARA/PAN:ENADEAU  
-----082052 250016Z /65  
P 242146Z JUN 77  
FM SECSTATE WASHDC  
TO AMEMBASSY PANAMA PRIORITY

C O N F I D E N T I A L STATE 147964

STADIS//////////

E.O. 11652: GDS

TAGS: PN, SHUM

SUBJECT: HUMAN RIGHTS EVALUATION REPORT

REF: STATE 140421, STATE 141243

1. THE FOLLOWING IS A FIRST ROUGH DRAFT OF THE HUMAN RIGHTS EVALUATION REPORT DONE BY ARA/PAN. IT IS FOR YOUR USE AS NEEDED IN PREPARING A MORE POLISHED REPORT.

2. HUMAN RIGHTS COUNTRY EVALUATION REPORT FOR PANAMA:

3. PANAMA CAN PRESENTLY BE CHARACTERIZED AS A FAIRLY OPEN SOCIETY. IN GENERAL, PANAMANIANS ENJOY THE GUARANTEES OF LIFE, LIBERTY AND SECURITY OF PERSON. BUT OPPOSITION WHICH SEEMS AIMED AT OVERTHROWING THE REGIME IS NOT PERMITTED. PANAMANIAN OFFICIALS AND POLICE HAVE BEEN, AND CONTINUE TO BE, GUILTY OF OCCASIONAL ABUSES OF AUTHORITY.

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IN A VERY FEW INSTANCES THESE ABUSES HAVE APPARENTLY BEEN FLAGRANT. THERE IS NO EVIDENCE, HOWEVER, THAT THE PANAMANIAN GOVERNMENT MAKES A PRACTICE OF ARBITRARY IMPRISONMENT, TORTURE OR MURDER FOR POLITICAL OR ANY OTHER PURPOSES.

4. THE DEPARTMENT HAS NO RELIABLE EVIDENCE THAT TORTURE, CRUEL, INHUMAN OR DEGRADING PUNISHMENT, ARBITRARY ARREST

OR IMPRISONMENT, OR INVASION OF THE HOME ARE PRACTICED IN PANAMA. OCCASIONALLY A PRISONER IS BEATEN BUT NOT SEVERELY. THERE ARE PROVISIONS IN CABINET DECREES 342 AND 343 (1969) WHICH SPECIFY THAT VIOLATIONS SHALL BE PUNISHED ACCORDING TO "CORRECTIONAL" ADMINISTRATIVE PROCEDURES. AFTER A LONG INTERLUDE, THIS PROVISION OF DECREE 342 WAS USED THREE TIMES LAST YEAR: TO SUSPEND THE BROADCASTING LICENSE OF A COMMENTATOR WHO IN THE GOVERNMENT'S OPINION HAD INSULTED THE DIGNITY OF GENERAL TORRIJOS, TO IMPRISON THREE PEOPLE WHO HAD BEEN PLANTING BOMBS AROUND PANAMA CITY, AND TO IMPRISON ONE PERSON FOR INCITING THE SEPTEMBER 1976 RIOTS. THESE ARE ADMINISTRATIVE ACTIONS, AND NOT TRIALS PER SE. HOWEVER, THE UPSHOT IS A DENIAL OF PERSONAL FREEDOM WITHOUT THE DUE PROCESS OF A PUBLIC TRIAL. THERE ARE NO POLITICAL PRISONERS IN PANAMA. THE GOVERNMENT'S PREFERRED METHOD OF HANDLING DISSIDENTS IT COULD NO LONGER TOLERATE HAS BEEN EXILE.

5. THERE IS FREEDOM OF WORSHIP, MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION IN PANAMA. THERE ARE SOME LIGHT CONTROLS ON THE FREEDOM OF ASSEMBLY. THERE IS NO PRIOR CENSORSHIP IN PANAMA, BUT THE MEDIA MAY NOT ADVOCATE VIOLENCE, DISORDER, OR THE OVERTHROW OF THE GOVERNMENT, NOR INSULT THE NATIONAL LEADERSHIP.

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WITHIN THESE LIMITS THERE IS SOME LIVELY DISCUSSION OF ISSUES IN PANAMA. THERE IS ALSO SOME FRANK DISCUSSION OF THE POLITICAL AND ECONOMIC SITUATION.

6. PANAMA IS GOVERNED BY THE CONSTITUTION OF 1972. THERE IS AN ASSEMBLY OF CORREGIMIENTO REPRESENTATIVES, WHOSE 505 MEMBERS WERE ELECTED BY POPULAR VOTE IN 1972. THE NEXT ELECTION IS SCHEDULED FOR 1978. THE MEMBERSHIPS OF THE OTHER ORGANS OF GOVERNMENT WHERE THE REAL POWER RESIDES -- THE NATIONAL LEGISLATIVE COUNCIL, THE PRESIDENT, THE VICE PRESIDENT, THE CABINET COUNCIL, THE GENERAL COUNCIL OF STATE, AND THE JUDICIAL ORGAN -- ARE ALL ELECTED INDIRECTLY, CONSTITUTIONALLY STIPULATED, OR APPOINTED. THERE HAS BEEN AN ATTEMPT SINCE 1968 TO INVOLVE THE COMMON CITIZENS IN THE OPERATION OF THE GOVERNMENT. DURING THE FORMULATION OF POLICY INITIATIVES, THE GOVERNMENT CONSULTS WITH A BROAD RANGE OF INTERESTED GROUPS AND ORGANIZATIONS. BOTH SIDES OF THESE DISCUSSIONS ARE GIVEN WIDE PRESS COVERAGE. THE RESULT IS A BROADER PARTICIPATION OF THE POPULATION IN THE POLITICAL LIFE OF PANAMA THAN EXISTED BEFORE 1968.

7. THE PANAMANIAN GOVERNMENT HAS ALSO MADE STRONG EFFORTS TO IMPROVE THE LOT OF THE POORER PEOPLE OF PANAMA. IN FACT, GENERAL TORRIJOS HAS TRIED TO MAKE THE CAMPESINOS ONE OF HIS PILLARS OF SUPPORT. IT HAS SOUGHT TO CREATE NEW WEALTH WHICH WOULD THEN BE DISTRIBUTED TO THE POOR RATHER THAN EXPROPRIATING EXISTING WEALTH. IT HAS EXTENDED EDUCATIONAL BENEFITS, MEDICAL FACILITIES, AND ECONOMIC DEVELOPMENT PROJECTS INTO AREAS OF THE COUNTRY WHICH HAD PREVIOUSLY BEEN IGNORED BY PANAMA CITY. THE RESULT IS A NOTICEABLE POSITIVE IMPACT ON THE PHYSICAL CONDITION OF THE MAJORITY OF THE POPULATION, BUT A LARGE INCOME DISPARITY STILL REMAINS.

8. AFTER MORE THAN EIGHT YEARS IN POWER, THE TORRIJOS  
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GOVERNMENT HAS TO BE RESPONSIBLE FOR ALL OF THE CONDITIONS, BOTH GOOD AND BAD, DESCRIBED ABOVE. IT IS THIS GOVERNMENT WHICH HAS MADE THE RULES, AND FORMULATED AND CARRIED OUT THE VARIOUS PROGRAMS DESCRIBED. WHAT VIOLATIONS OF THE BASIC HUMAN RIGHTS OF THE SECURITY OF THE PERSON OCCUR ARE EPISODIC AND DO NOT CONSTITUTE A CONSCIOUS POLICY OF THE GOVERNMENT. THE RESTRICTIONS ON CRITICISM OF THE GOVERNMENT ARE CHARACTERISTIC OF AUTHORITARIAN REGIMES, BUT IN PANAMA'S CASE ARE NOT TOO ONEROUSLY APPLIED. THERE IS NO SECURITY JUSTIFICATION FOR ANY OF THESE MEASURES.

9. TO DATE, THE GOVERNMENT HAS NOT NEEDED TO DEMONSTRATE ITS WILLINGNESS TO ALLOW INDEPENDENT, OUTSIDE INVESTIGATIONS OF ALLEGED HUMAN RIGHTS VIOLATIONS. AMNESTY INTERNATIONAL NOTED IN ITS 1973 REPORT ON TORTURE THAT MOST INCIDENTS OCCURRED BEFORE 1970 BUT NOTED SINGLE INSTANCES IN 1971 AND 1972. AMNESTY'S 1975-76 REPORT DID NOT CONTAIN A SECTION ON PANAMA. IN MAY 1977, IN RESPONSE TO CRITICISM FROM A VENEZUELAN STUDENT GROUP, GENERAL TORRIJOS PERSONALLY INVITED THE VENEZUELANS TO VISIT TO PANAMA TO OBSERVE THE SITUATION THERE FOR THEMSELVES. WE DO NOT BELIEVE THE INVITATION HAS BEEN ACTED ON YET.

10. WHILE SOME VIOLATIONS OF HUMAN RIGHTS OCCUR OCCASIONALLY IN PANAMA, THEY ARE NOT OF A GRAVE MAGNITUDE. NEVERTHELESS, BECAUSE OF THE ACTIVITIES OF A RELATIVELY SMALL NUMBER OF PANAMANIAN EXILES AND AMERICAN OPPONENTS TO THE PANAMA CANAL TREATY NEGOTIATIONS, PANAMA HAS A LESS THAN FAVORABLE REPUTATION IN THE HUMAN RIGHTS AREA. THE GOVERNMENT HAS BEGIN TO REALIZE THE NEED TO PRESENT A POSITIVE IMAGE TO THE UNITED STATES IN ORDER TO ENHANCE

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THE PROSPECTS FOR THE ACCEPTANCE OF A NEW CANAL TREATY.  
THIS WILL GIVE US LEVERAGE TO ACHIEVE CERTAIN LIMITED  
GOALS.

11. PANAMA IS A SIGNATORY OF THE AMERICAN CONVENTION ON  
HUMAN RIGHTS, "PACT OF SAN JOSE", AS IS THE UNITED STATES  
NOW. WE SHOULD ENCOURAGE PANAMA TO RATIFY AND IMPLEMENT THE  
PACT AS QUICKLY AS POSSIBLE. THIS WILL PROVIDE US WITH  
NOT ONLY BETTER LEGAL YARDSTICKS AGAINST WHICH TO MEASURE  
PANAMA'S RECORD AND WITH WHICH TO PROD PANAMA'S ACTIONS,  
BUT ALSO FAVORABLE ARGUMENTS IN THE TREATY DEBATE IN  
THIS COUNTRY.

12. SECONDLY, WE CAN STRONGLY URGE THE PANAMANIANS TO  
REPEAL CABINET DECREE 342, AND TO MODIFY CABINET DECREE  
343 AND OTHER LAWS TO BRING THEM INTO CONFORMITY WITH  
HUMAN RIGHTS STANDARDS. WE CAN BEGIN OUR ADVOCACY OF THIS  
ACTION AND THE RATIFICATION OF THE SAN JOSE PACT IMMEDI-  
ATELY.

13. THIRDLY, AS THE ELECTION TIME DRAWS NEAR IN 1978, WE  
CAN ENCOURAGE THE PANAMANIANS TO MAKE SURE IT IS FREE AND  
OPEN AND AS RELIABLE A READING OF THE PEOPLE'S WILL AS  
POSSIBLE.

14. LASTLY, WHENEVER THE POLITICAL SITUATION BECOMES  
TENSE, WE CAN, AS WE HAVE IN THE PAST, URGE THE PANAMANIAN  
GOVERNMENT WITH THE APPROPRIATE DEGREE OF EMPHASIS NOT TO  
ENGAGE IN VIOLATIONS OF HUMAN RIGHTS FOR THE PURPOSE OF  
MAINTAINING ORDER. WE SHOULD, HOWEVER, DRAW A FIRM LINE  
BETWEEN DEMONSTRATIONS, SOME OF WHICH MAY BE DIRECTED  
AGAINST US AS WELL AS THE GOVERNMENT, AND RIOTS INVOLVING  
PROPERTY DAMAGE, LOOTING AND BODILY HARM. WE SHOULD ALSO  
STRESS THE REASONABleness OF THE FORCE USED TO MAINTAIN  
OR RESTORE ORDER.

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15. THE NATURE OF ALL OF THESE ACTIONS WOULD DICTATE  
QUIET DIPLOMACY AS THE MOST EFFICACIOUS MEANS. CERTAINLY  
NEGATIVE SANCTIONS ARE UNCALLED FOR AND MAY BE COUNTER-  
PRODUCTIVE BOTH TO OUR HUMAN RIGHTS INTERESTS AND OUR  
INTERESTS IN A NEW PANAMA CANAL TREATY. MOREOVER, PUBLIC  
PRONOUNCEMENTS AND STATEMENTS WOULD PROBABLY CAUSE RESENT-  
MENT AND RETRENCHMENT WITHIN THE GOVERNMENT, WHICH IS

VERY SENSITIVE TO THE APPEARANCE OF HAVING GIVEN INTO  
UNITED STATES PRESSURE.

16. AT THIS TIME, GIVEN THE PRESENT NATURE OF UNITED  
STATES-PANAMANIAN RELATIONS REGARDING THE PANAMA CANAL  
AND THE IMAGE THE PANAMANIAN GOVERNMENT HAS IN THE UNITED  
STATES, IT WOULD NOT BE WISE AT THIS TIME TO SEEK PANAMA'S  
COOPERATION IN THE VANGUARD OF A HUMAN RIGHTS PROGRAM.  
WE CAN, HOWEVER, REASONABLY REQUEST AND EXPECT TO OBTAIN  
PANAMA'S SUPPORT IN GOVERNMENTAL AND NON-GOVERNMENTAL  
ORGANIZATIONS CONCERNED WITH HUMAN RIGHTS. CHRISTOPHER

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## Message Attributes

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**Decaption Date:** 22 May 2009  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
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**Drafter:** DWAGNER/JLP  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
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**Reference:** 77 STATE 140421, 77 STATE 141243  
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**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**TAGS:** SHUM, PN  
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**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009